IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 16748 of 2004

Between:

C.Rangappa, S/o Venkatappa, aged 67 years,

Hindu, Contractor, R/o Near CCV Talkies, Vuruvakonda Village &

Mandal, Ananthapur District

..... PETITIONER

AND

1 The Engineer in Chief (R & B) Admin & NABARD,

Errummanzil, Hyderabad
2 The Superintending Engineer (R & B) Circle, Guntur
3 The Executive Engineer (R & B) Division, Tenali, Guntur District
4 The Pay & Accounts Officer, Works & Projects, Guntur

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the Respondent No.4 in instructing the R2 and R3 to adopt new rates for earth work excavation and to deduct seigniorage charge which are not mentioned in the Agreements dated 27-6-2003 for the works (Improvements to Pusuluru- Kakumanu Road R/F Km O/o to 3/850 in Guntur District, improvements to Emani-Perikalapudi Road R/F KM O/O to 3/900 in Guntur District) as bad, arbitrary, illegal, unjust, unreasonable and contrary to the agreements by setting aside Memo No.PAO/W&P/CNT/SN III/C3/R & B/2003-04/452 dated 13-2-2004 and consequently direct the respondent Nos.2 and 3 to settle the final bills of the petitioner as per the rates mentioned for the earth work excavation in the respective agreements.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court at the admission stage made the following:

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ORDER:

The present writ petition is filed, seeking a direction to the respondents to release the balance amount withhold by them from the final bills, that were passed in favour of the petitioner, for the works undertaken by him, in pursuance of an agreement.

2. There is a dispute regarding the adoption of rates for the work undertaken by the petitioner. The Writ Court cannot decide the said disputed question of fact. It is for the petitioner to approach appropriate Forum for adjudication, according to law.

3. The Writ Petition is, accordingly, dismissed. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Engineer in Chief (R&B),

Admin & Nabard, Errummanzil, Hyderabad

2. The Superintending Engineer (R&B) Circle,

Guntur

3. The Executive Engineer (R&B) Division,

Tenali, Guntur District

4. The Pay & Accounts Officer,

Works & Projects, Gutur

5. Two CCs to the Government Pleader for

Roads & Buildings, High Court Buildings,

Hyderabad (OUT)

6. Two CD copies.